



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 09/428,033 | 10/27/1999 | WILLIAM F. GALLAGHER III | 9870-15US | 4119 |

570 7590 03/04/2003

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103-7013

EXAMINER

HOLLOWAY III, EDWIN C

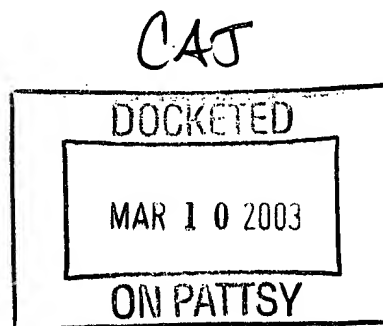
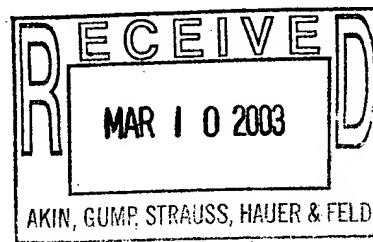
ART UNIT

PAPER NUMBER

2635

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



DEADLINE: 6/4/03

| | | | | |
|------------------------------|------------------------|--|----------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/428,033 | | GALLAGHER III ET AL. | |
| | Examiner | | Art Unit | |
| | Edwin C. Holloway, III | | 2635 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 8-14, 20-22 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 23-25 and 29 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Examiner's Response

1. In response to applicant's amendment filed 01-03-03, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the some of the claims are unpatentable, and some are allowable, for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims ¹⁻⁴ are rejected under 35 U.S.C. 103(a) as being unpatentable over Cato (US 5539394) or Rochester (US 5621735) in combination with Conrad (US 5426425). Cato and Rochester disclose transmission periods with plural cycles including plural wake up slots where the tag selects a slot based on the tag ID and data from the interrogator identifying the number of slots, but lacks selecting the slot using different bits of the tag ID based on the cycle number. See cols. 3, 5-6 of Cato and cols. 5-6 of Rochester. Conrad discloses analogous art ID systems that cycle through bits of the tag ID to select the response time with each cycle. See col. 7 lines 12-28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Cato or Rochester the cycle through bits of the tag ID to select the response time with each cycle as disclosed in Conrad in order to reduce further collisions of the same tags. The term "cycle number" is not explicitly recited in Conrad, but provided by the stepping

Art Unit: 2635

4 bits at a time each second in Conrad. It would have been obvious for the tag to receive a cycle number from the interrogator for this shifting and/or stepping so that the tag remains synchronized to the interrogator timing and is suggested by Cato and Rochester disclosing the interrogator sending the base number of slots used to vary the slot selected in subsequent cycles.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Mandelbaum (US 5477215). Regarding claim 5, Mandelbaum includes a change channel command in fig. 8 and col. 9 that changes the RF channel of the interrogated device corresponding to decoupling or detuning..

4. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stobbe (US 5218343). Regarding claims 23-25, the tag includes a first mode where it response with ID immediately after powering in col. 4 lines 47-48, and only after a read command when in the stop mode in col. 6 lines 7-22.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacLellan (US 5927779). Regarding claim 29, the interrogator sends a downlink message command with a parameter identifying what information the interrogator is requesting in col. 6 lines 40-45. The down link sync control bits allow or prevent or bypass read as disclosed in col. 6. Fast and slow read modes are included in col. 3 lines 15-67. The response includes the tag ID in col. 6 line 13.

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2635

7. Claims 6, 8-14, 20-22 and 26-28 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter regarding claims 4, 6, 8-14, 20-22 and 26-28: The cited prior art does not teach or fairly suggest inverting in odd cycles of claim 4, the command codes calculated from a tag transmission cycle and only a portion of the tag identification number of claim 6, the plural parameters of read request including communication data rate of the tag reader, number of time slots in each cycle, and the maximum number of transmission cycles that the tag is allowed to broadcast in claim 10 and the sleep ID number formed by a plurality of bits that are cyclically rotated to create a new sleep ID number during each transmission cycle for setting the transponder in the inactive mode for one transmission cycle whenever a predetermined bit of each new sleep ID number has a selected logic level in claim 20.

Response to Arguments

9. Applicant's arguments filed 01-03-03 have been fully considered but they are not persuasive and/or are moot in view of new grounds of rejection. The amendment and arguments filed 13 November 2002 have been considered by the examiner, but are not persuasive with respect to claims 1-3, 5, 23-25 and 29. Regarding claim 1, Conrad doesn't require continuous transmission, but states in col. 1 lines 50-54 that such is undesirable. Fig. 3 doesn't show continuous transmission, but shows 4 one second cycles with burst in selected portions or slots of the one second cycles. Figs. 5-6 further show pulses, not continuous transmission. Regarding claim 5, Mandelbaum discloses channel change corresponding to the argued decoupling. Regarding claim 23,

Art Unit: 2635

applicant's argument concludes that Stobbe has nothing whatsoever to do with a tag talk first mode, a read talk first mode or selectively switching between the modes without any reasoning for this conclusion. Claim 23 doesn't use the argued tag talk first and read talk first terminology. Claim 23 includes selection between a first mode where the transponder sends ID immediately upon being powered on and a second mode where the response is sent after a read command. Stobbe includes the first mode in col. 4 lines 47-48 and col. 6 lines 5-6. The second mode is provided in col. 6 lines 7-22. The argument that claim 29 includes the limitations of claims 10, 11 and 15 is not persuasive because claim 29 lacks the parameters of amended claim 10 and is therefore lacks novelty over MacLellan for the reasons stated above.

CONTACT INFORMATION

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is **(703) 305-4700**.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
3/3/03



EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635